

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOCAL 3621, EMS OFFICERS UNION, DC-37,  
AFSCME, AFL-CIO, Individually and on behalf  
of its members, Renae Mascol, and Luis  
Rodriguez, on behalf of themselves and all other  
similarly-situated individuals,

Plaintiffs,

vs.

CITY OF NEW YORK, NEW YORK CITY FIRE  
DEPARTMENT, and DEPARTMENT OF  
CITYWIDE ADMINISTRATIVE SERVICES,  
John and Jane Does ##1-20, the identity of such  
persons being unknown to Plaintiffs but intended  
to describe those persons responsible for the  
promotional policies of the City of New York,

Defendants.

**STIPULATION AND PROPOSED  
ORDER REGARDING RULE 502(d)**

**18 Civ. 04476**

1. The parties in the above-captioned matter hereby stipulate to the below terms set forth in this agreement and proposed Order. This agreement shall supplement the parties' So-Ordered Protective Order, dated May 8, 2019.
2. "Confidential Materials" shall also mean all confidential documents or information in connection to any job analysis or related documents made by DCAS. *confidential*
3. The production of Protected Material as defined in the Protective Order dated May 8, 2019, which is electronically stored information ("ESI") or otherwise stored, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

4. Nothing contained herein has any impact on, nor is intended to or shall serve to limit or expand a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.
5. Paragraphs 10 through 15 of the So-Ordered Protective Order dated May 8, 2019 shall govern the return of Protected Material as defined therein, whether the disclosure of the Protected Material was inadvertent or otherwise.

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By: 

Donna A. Canfield

Dated: New York, New York  
September 9, 2020

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By: 

Yetta G. Kurland

Dated: New York, New York  
September 9, 2020

**SO ORDERED:**

Dated: September 9, 2020  
New York, New York

  
SARAH L. CAVE

United States Magistrate Judge